

REMARKS

Summary of the Office Action

Claims 1-3, 6-8, and 10-14 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,524,287 to *Yokoya et al.* in view of U.S. Patent No. 6,580,901 to *Mochizuki*.

Claims 4, 5, 9, and 15 stand allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Summary of the Response to the Office Action

Applicants have amended 1, 3, and 6-15 have been amended. No new matter has been introduced. Accordingly, claims 1-15 are presently pending.

Allowable Subject Matter

Applicants wish to thank the Examiner for indicating allowable subject matter in claims 4, 5, 9, and 15. Based on the following remarks, Applicants believe claims 1-3, 6-8, and 10-14 are also allowable. Therefore, claims 4, 5, 9, and 15 have not been rewritten in independent form.

Rejections Under 35 U.S.C. § 103(a)

Claims 1-3, 6-8, and 10-14 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Yokoya et al.* in view of *Mochizuki*. Applicants respectfully traverse the rejections for at least the following reasons.

As amended, claim 1 recites, in part, the step of modifying said first detected voltage based on an output voltage level of said power supply battery to generate a second detected

voltage. Similarly, claims 8 and 14 recite, in part, means for modifying said first detected voltage based on an output voltage of said power supply battery to generate a second detected voltage, as amended. *Yokoya et al.* and *Mochizuki*, whether taken alone or in combination, fail to teach or suggest at least these features of independent claims 1, 8, and 14.

The Office Action equates voltage V_{33} shown in FIGs. 2 and 3 of *Yokoya et al.* with the claimed first detected voltage. Paragraph 3. The Office Action alleges that the feature of modifying based on an output voltage level of said power supply is inherent. Paragraph 3. Applicant respectfully disagrees.

As explained in M.P.E.P. § 2112, “the examiner must provide a basis in fact and/or technical reasoning to reasonable support the determination that the allegedly inherent characteristic necessarily flows from the teaching of the applied prior art.” The Examiner alleges that *Yokoya et al.* inherently modifies the first detected voltage provided by the detector (41) through system controller to DA converter for path V_{31} based on variance of the power supply for the detected voltage level and preset point voltage level. Paragraph 3. Applicant respectfully submits that reasoning used to support the alleged inherency is deficient for at least the following two reasons.

First, Applicant notes that any reading of the alleged basis for inherency requires that voltage V_{41} be equated with the claimed first detected voltage. As the Office Action equates voltage V_{33} with the claimed first detected voltage, the reasoning used to support the alleged inherency is at least inconsistent with the remainder of the Office Action.

Second, the Office Action equates power supply terminal 34 of *Yokoya et al.* with the claimed power supply battery. As shown in FIGs. 2 and 3, comparator 32 receives voltage V_{33} , and generates a comparison output voltage V_{32} which is supplied to the transistor 35. The power

supply terminal 34 acts as the emitter of transistor 35. As the comparator 32 does not modify voltage V_{33} based on an output voltage level of power supply terminal 34, *Yokoya et al.* does not teach or suggest modifying the first detected voltage or first set point voltage based on an output voltage level of said power supply.

Because *Yokoya et al.* and *Mochizuki*, whether taken alone or in combination, fail to teach or suggest each feature of independent claims 1, 8, and 14, the rejection under 35 U.S.C. § 103(a) should be withdrawn. Furthermore, claims 2-7, 9-13, and 15 depend from one of independent claims 1, 8, and 14. Accordingly, claims 2-7, 9-13, and 15 are also allowable because of the additional features they recite and the reasons stated above.

CONCLUSION

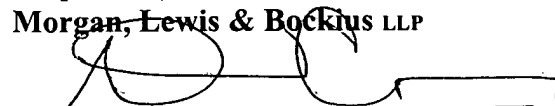
In view of the foregoing, Applicants respectfully request reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of the Response, the Examiner is invited to contact the Applicants' undersigned representative to expedite prosecution.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No.

50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR
EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,
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Dated: July 25, 2008

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